In the High Court of Himachal Pradesh at Shimla

C.W.P. No: 984 of 2007

Date of decision:29.08.2007

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Rajinder Kumar ..Petitioner

Versus

State of H.P. and another ..Respondents

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Coram:

The Hon'ble Mr. Justice Deepak Gupta,J.

The Hon'ble Mr. Justice V.K.Ahuja, J.

Whether approved for reporting?

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For the petitioner: Sandeep Kaushik, Advocate

For the respondents: Mr. M.S.Chandel, Advocate General, with Mr. R.M.Bisht, Dy. A.G.

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**Per Deepak Gupta,J.(Oral)**

The petitioner by means of this writ petition has challenged the order dated 25.5.2007, Annexure P-7, passed by the Divisional Forest Officer, Bilaspur Division as well as the order dated 26.5.2007 passed by the same officer.

The brief facts of the case are that the petitioner, who is a registered private sale contractor, duly registered with the Forest Department, was granted felling

permission to fell 211 Khair trees vide order dated 9.12.2005.

On 8.4.2007 an FIR was registered against the petitioner and other persons under Sections 41 & 42 of the Indian Forest Act in Police Station, Talai. The petitioner was arrested and remanded to police custody. The Forest Department received information that the petitioner had got felled a number of trees in the adjoining land belonging to the State Government. In fact this fact was admitted by the petitioner in the inquiry conducted. The statement of the petitioner reads as follows:-

> "Stated that I had entered into an agreement with the private land owners to cut the Khair trees in their land in village Kallar. This land adjoins the land which is government land and includes the area of Dam. At the time of felling of the trees the trees falling in the government land and the Dam area were also felled since the land owners stated that these trees are on their land. I did not inform the department about this. After cutting the Khair trees I took the same to my depot at Ghandir. The felling of Khair trees in village Kallar has been found illegal by the department. I am in agreement with this finding of the department. The department may take appropriate departmental action and I shall not

oppose the same. The aforesaid cutting was done on 6.4.2007 and 7.4.2007".

Show cause notice was issued to the petitioner to show cause why he should not be blacklisted for indulging in illicit felling. He replied to the show cause notice vide his reply dated 30.4.2007. The petitioner has not filed any specific reply in respect of his alleged statement, though this was specifically referred to in the show cause notice. He has not denied his statement nor he has stated that he had made any such statement. He has, however, made a mention that the Forest Guard had fraudulently got his signature on a blank paper and all the evidence has been manipulated. This itself means that the petitioner admits his signature on the statement. He has not made any complaint to any authority that his signatures had been obtained on blank paper. His statement is witnessed by three witnesses. In view of his statement it is clear that he or his employee had indulged in illicit felling and, therefore, he has been blacklisted and the Divisional Forest Officer had passed the impugned orders blacklisting him and asked the affected land owners to submit their claims for the loss suffered by

them. There is no illegality in the action. We find no merit in the writ petition which is accordingly dismissed with costs, assessed at Rs. 3,000/-.

( Deepak Gupta ), J.

August 29, 2007(K) ( V.K.Ahuja ), J.